

YOSHIDA et al.

Serial No. 09/849,272

REMARKS

Reexamination of the captioned application is respectfully requested.

A. SUMMARY OF THIS AMENDMENT

By the current amendment, Applicants basically:

1. Thank the Examiner for the indication of allowable subject matter in claims 7-8, 10, 16 and 32.
2. Respectfully traverse all prior art rejections.

B. PATENTABILITY OF THE CLAIMS

Claims 2-6, 17, 27-30 and 36-39 stand rejected under 35 USC 103(a) as being unpatentable over JP Patent 05007219 to Akira in view of U.S. Patent 6,075,563 to Hung. Claims 11-15 and 33 stand rejected under 35 USC 103(a) as being unpatentable over JP Patent 05007219 to Akira in view of U.S. Patent 5,035,871 to Ogawa and further in view of U.S. Patent 6,522,360 to Miyawaki et al. All prior art rejections are respectfully traversed.

The Examiner has properly conceded that JP Patent 05007219 to Akira fails to disclose a target display color setting section that uses information regarding light characteristics of external light for setting a color to display as an image, which agrees with human chromatic adaptation characteristics. In view of this deficiency, the Examiner has sought to combine JP Patent 05007219 to Akira with U.S. Patent 6,075,563 to Hung to reject independent claims 3, 5, 6, 9, 17, 20, 35, 36, and 39.

The postulated combination of JP Patent 05007219 to Akira with U.S. Patent 6,075,563 to Hung is improper and, moreover, even if it were proper, falls short of teaching or suggesting the subject matter of the independent claims.

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U.S. Patent 6,075,563 to Hung pertains to an electronic camera which purports to convert into color tone in accordance with adapting characteristics of the human eye, the color tone felt by an operator at the time of photography. See, e.g., col. 5, lines 48+; col. 10, lines 31+. In a third embodiment, Hung states that color tone is outputted in the color tone seen by eyes at the time of photography (see the description of the third embodiment in column 15, particularly lines 31 – 36 as highlighted by the Examiner).

Unlike the present invention, Hung pertains to an electronic camera, but not to an image display apparatus. As such, Hung outputs, from an image pickup section, information regarding the color tone that agrees with the human chromatic adaptation characteristics in consideration of the external light at the time of photography. Therefore, unlike the subject matter of all independent claims, Hung is does not enable the display section of the image display apparatus to display, when the external light is radiated on the display section, an image that satisfies the human chromatic adaptation characteristics.

Apparently in Hung the image that is picked up by the image pickup section can also be displayed on the display section, without being stored in the recording medium after picked up. However, if external light were radiated onto Hung's display section, even the image displayed (allegedly with the color tone that agrees with the human chromatic adaptation characteristics) would likely look unnatural to the human eye because of the influence of the external light.

In contrast to Hung, Applicants convert the image to be displayed on the display section into an image that satisfies the human chromatic adaptation characteristic, in consideration of the characteristics of the external light being radiated onto the display section. It is this converted image (converted based on external light) that is displayed on the displayed section. Therefore, the image displayed on the display section looks natural

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to the human eye, despite the influence of the external light incident on the display section.

Thus, as mentioned above, the image conversion in Hung merely converts the picked-up image into an image that satisfies the human chromatic adaptation characteristic, the conversion being based on the light during pickup. As such, Hung's conversion does not convert the image (to be displayed on the display section) into an image that satisfies the human chromatic adaptation characteristic in consideration of the external light being radiated onto the display section.

Therefore, if it were suggested or even possible somehow to incorporate Hung's conversion based on time of photography into the display apparatus disclosed in Akira, the claimed subject matter would not be realized. Moreover, the resultant display on the display section would most probably not appear natural to the human eye, for lacking the conversion based on external light incident on the display section.

Each independent claim includes the aforementioned distinguishing limitation that the image conversion is into an image that satisfies the human chromatic adaptation characteristic, in consideration of the characteristics of the external light being radiated onto the display section. Applicants do not understand how the structure of the cited references can be combined to meet the claims when none of the references contain certain elements in Applicants' claims. Moreover, even if the structure of the references could be combined in the manner described by Applicant, such a possibility does not make the combination obvious unless the art also contains something to suggest the desirability of the claimed combination. See In re Imperato, 484 F.2d 595, 179 USPQ 730 (CCPA) and cases cited therein; and, In re Hortman, 264 F.2d 911, 121 USPQ 218 (CCPA 1959)

The Examiner has ample bases for withdrawing all prior art rejections.

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C. MISCELLANEOUS

In view of the foregoing and other considerations, a formal indication of allowance is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

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